

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims:**

Claim 1. (Currently Amended) A method of controlling transmission of a data packet from an access network (AN) in an access terminal (AT) of a mobile telecommunication system where the AN transmits the data packet in successive time slots, each slot having a plurality of data bits, and the AT receives the data packet from the AN, the method comprising the steps of:

comparing a received C/I of a forward pilot signal received from the AN with a predetermined first threshold;

selectively checking for errors in the data packet in a received time slot [[if]] according to whether the received C/I is greater than the first threshold; and

transmitting a signal requesting termination of retransmission of the data packet to the AN if no errors are found in the data packet after said checking.

Claim 2. (Original) The method of claim 1, further comprising the steps of:

determining whether it is a low data rate using a length of a preamble of the received data packet; and

proceeding further with the comparison step if the determined data rate is the low data rate, wherein the low data rate repeatedly transmits the same packet two times or more.

Claim 3. (Previously Presented) The method of claim 1, further comprising the steps of:

determining a data rate corresponding to the received C/I if errors are found in the data packet in the error check; and

requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 4. (Previously Presented) The method of claim 1, further comprising the steps of:  
determining a data rate corresponding to the received C/I if the received C/I is equal to or less than the first threshold; and  
requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 5. (Previously Presented) The method of claim 1, further comprising the steps of:  
comparing the received C/I with a predetermined second threshold if the received C/I is equal to or less than the first threshold; and  
transmitting the signal requesting termination of retransmission of the data packet to the AN if the received C/I is less than the second threshold.

Claim 6. (Previously Presented) The method of claim 5, further comprising the steps of:  
determining the data rate corresponding to the received C/I if the received C/I is equal to or greater than the second threshold; and  
requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 7. (Original) The method of any of claims 1,4 or 5, wherein the first threshold is calculated by accumulating a C/I corresponding to the data rate of the current data packet as many times as the maximum number of the data packet transmissions.

Claim 8. (Previously Presented) The method as claimed in either of claims 5 or 6, wherein the second threshold is calculated by dividing the received C/I corresponding to a current data rate by a predetermined margin and multiplying the number of already transmitted slots for the current data packet.

Claim 9. (Currently Amended) A method of controlling transmission of a data packet from an access network (AN) in an access terminal (AT) of a mobile telecommunication system where the AN transmits the data packet in successive time slots each having a plurality of data bits and the AT receives the data packet from the AN, the method comprising the steps of:

comparing a received C/I of a forward pilot signal received from the AN with a predetermined first threshold;

selectively checking for errors in the data packet according to whether the received C/I is greater than the first threshold; and

transmitting a signal requesting termination of retransmission of the data packet to the AN if the received C/I is greater than the first threshold.

Claim 10. (Original) The method of claim 9, further comprising the steps of:

determining whether it is a low data rate using a length of a preamble of the received data packet; and

proceeding further with the comparison step if the determined data rate is the low data rate, wherein the low data rate repeatedly transmits the same packet two times or more.

Claim 11. (Previously Presented) The method of claim 9, further comprising the steps of:

determining a data rate corresponding to the received C/I if the received C/I is equal to or less than the first threshold; and

requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 12. (Previously Presented) The method of claim 11, further comprising the steps of:

comparing the received C/I with a predetermined second threshold if the received C/I is equal to or less than the first threshold; and

transmitting the signal requesting termination of retransmission of the data packet to the AN if the received C/I is less than the second threshold.

Claim 13. (Previously Presented) The method of claim 12, further comprising the steps of:

determining the data rate corresponding to the received C/I if the received C/I is equal to or greater than the second threshold; and

requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 14. (Original) The method of any of claims 9 to 13, wherein the first threshold can be calculated by accumulating a C/I corresponding to the data rate of the current data packet as many times as the maximum number of data packet transmissions.

Claim 15. (Previously Presented) The method as claimed in either of claims 12 or 13, wherein the second threshold is calculated by dividing the received C/I corresponding to a current data rate by a predetermined margin and multiplying the number of already transmitted slots for the current data packet.

Claims 16-18 (Canceled)

Claim 19. (Currently Amended) A method of controlling transmission of a data packet from an access network (AN) in an access terminal (AT) of a mobile telecommunication system where the AN transmits the data packet in successive time slots each having a plurality of data bits and the AT receives the data packet from the AN, the method comprising the steps of:

comparing a received C/I of a forward pilot signal received from the AN with a predetermined first threshold;

selectively checking for errors in the data packet according to whether the received C/I is greater than the first threshold;

determining a data rate corresponding to the received C/I if the received C/I is less than or equal to the first threshold; and

requesting retransmission of the data packet to the AN by transmitting the determined data rate to the AN.

Claim 20. (Original) The method of claim 19, further comprising the steps of:  
determining whether it is a low data rate using a length of a preamble of the received data packet; and

proceeding further with the comparison step if the determined data rate is the low data rate, wherein the low data rate repeatedly transmits the same data packet two times or more.

Claim 21. (Previously Presented) The method of claim 19, further comprising the steps of:

comparing the received C/I with a predetermined second threshold if the received C/I is equal to or less than the first threshold;

determining the data rate corresponding to the received C/I if the received C/I is equal to or greater than the second threshold; and

requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 22. (Original) The method of any of claims 19 to 21, wherein the first threshold is calculated by accumulating a C/I corresponding to the data rate of the current data packet as many times as the maximum number of data packet transmissions.

Claim 23. (Currently Amended) The method of claim 21, wherein the second threshold is calculated by dividing the received C/I corresponding to a current data rate by a predetermined margin and multiplying the number of already transmitted slots for the current data packet.

Claim 24-28 (Canceled)

Claim 29. (Currently Amended) An apparatus for controlling transmission of a data packet from an access network (AN) in an access terminal (AT) of a mobile telecommunication system where the AN transmits the data packet in successive time slots each having a plurality of data bits and the AT receives the data packet from the AN, the apparatus comprising:

a device for comparing a C/I of a forward pilot signal received from the AN with a predetermined first threshold;

a device for decoding a data packet in a received time slot and selectively checking for errors in the decoded data packet [[if]] according to whether the received C/I is greater than the first threshold; and

a device for transmitting a signal requesting termination of retransmission of the data packet to the AN if no errors are found in the data packet.

Claim 30. (Original) The apparatus of claim 29, wherein the comparator detects the length of the data preamble of the received time slot, determines whether that is the low data rate and performs the comparison if the determined data rate is a low data rate, wherein the low data rate repeatedly transmits the same data packet two times or more.

Claim 31. (Previously Presented) The apparatus of claim 29, further comprising:

a device for determining a data rate corresponding to the received C/I if errors are found in the decoded data packet; and

a device for requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 32. (Previously Presented) The apparatus of claim 31, further comprising:

a device for determining a data rate corresponding to the received C/I if the received C/I is equal to or less than the first threshold; and

a device for requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 33. (Previously Presented) The apparatus of claim 31, further comprising:  
a device for comparing the received C/I with a predetermined second threshold if the received C/I equal to or less than the first threshold; and  
a device for transmitting the signal requesting termination of retransmission of the data packet to the AN if the received C/I is less than the second threshold.

Claim 34. (Previously Presented) The apparatus of claim 33, further comprising:  
a device for determining the data rate corresponding to the received C/I if the received C/I is equal to or greater than the second threshold; and  
a device for requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 35. (Original) The apparatus of any of claims 29 to 34, wherein the first threshold is calculated by accumulating a C/I corresponding to the data rate of the current data packet as many times as the maximum number of data packet transmissions.

Claim 36. (Previously Presented) The apparatus as claimed in either of claims 33 or 34, wherein the second threshold is calculated by dividing the received C/I corresponding to a current data rate by a predetermined margin and multiplying the number of already transmitted slots for the current data packet.

Claim 37. (Currently Amended) An apparatus for controlling transmission of a data packet from an access network (AN) in an access terminal (AT) of a mobile telecommunication system where the AN transmits the data packet in successive time slots each having a plurality of data bits and the AT receives the data packet from the AN, the apparatus comprising:

a device for comparing a received C/I of a forward pilot signal received from the AN with a predetermined first threshold;

a device for selectively checking for errors in the data packet according to whether the received C/I is greater than the first threshold; and

a device for transmitting a signal requesting termination of retransmission of the data packet to the AN if the received C/I is greater than the first threshold.

Claim 38. (Original) The apparatus of claim 37, wherein the comparator detects the length of the data preamble of the received time slot, determines whether that is the low data rate and performs the comparison if the determined data rate is a low data rate, wherein the low data rate repeatedly transmits the same data packet two times or more.

Claim 39. (Previously Presented) The apparatus of claim 37, further comprising:

a device for determining a data rate corresponding to the received C/I if the received C/I is equal to or less than the first threshold; and

a device for requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 40. (Previously Presented) The apparatus of claim 37, further comprising:

a device for comparing the received C/I with a predetermined second threshold if the received C/I is equal to or less than the first threshold; and

a device for transmitting the signal requesting termination of retransmission of the data packet to the AN if the received C/I is less than the second threshold.



Claim 41. (Previously Presented) The apparatus of claim 40, further comprising:  
a device for determining a data rate corresponding to the received C/I if the received C/I is equal to or greater than the second threshold; and  
a device for requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 42. (Original) The apparatus of any of claims 37 to 41, wherein the first threshold is calculated by accumulating a C/I corresponding to the data rate of the current data packet as many times as the maximum number of data packet transmissions.

Claim 43. (Previously Presented) The apparatus as claimed in either of claims 40 or 41, wherein the second threshold is calculated by dividing the received C/I corresponding to a current data rate by a predetermined margin and multiplying the number of already transmitted slots for the current data packet.

Claims 44-46 (Canceled)

Claim 47. (Currently Amended) An apparatus for controlling transmission of a data packet from an access network (AN) in an access terminal (AT) of a mobile telecommunication system where the AN transmits the data packet in successive time slots each having a plurality of data bits and the AT receives the data packet from the AN, the apparatus comprising:

a device for comparing a received C/I of a forward pilot signal received from the AN with a predetermined first threshold;

a device for selectively checking for errors in the data packet according to whether the received C/I is greater than the first threshold;

a device for determining a data rate corresponding to the received C/I if the received C/I is less than or equal to the first threshold; and

a device for requesting retransmission of the data packet to the AN by transmitting the determined data rate to the AN.

Claim 48. (Original) The apparatus of claim 47, wherein the comparator detects the length of the data preamble of the received time slot, determines whether that is the low data rate and performs the comparison if the determined data rate is a low data rate, wherein the low data rate repeatedly transmits the same data packet two times or more.

Claim 49. (Previously Presented) The apparatus of claim 47, further comprising:  
a device for comparing the received C/I with a predetermined second threshold if the received C/I is equal to or less than the first threshold;  
a device for determining the data rate corresponding to the received C/I if the received C/I is equal to or greater than the second threshold; and  
a device for requesting retransmission of the data packet by transmitting the determined data rate to the AN.

Claim 50. (Original) The apparatus of any of claims 47 to 49, wherein the first threshold is calculated by accumulating a C/I corresponding to the data rate of the current data packet as many times as the maximum number of data packet transmissions.

Claim 51. (Previously Presented) The apparatus of claim 49, wherein the second threshold is calculated by dividing the received C/I corresponding to a current data rate by a predetermined margin and multiplying the number of already transmitted slots for the current data packet.

Claim 52-56 (Canceled)